

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

**GUY M. BENHAIM, ET AL.**

Application No.: 10/808,024

Filed: March 23, 2004

For: APPARATUS AND A METHOD  
FOR ALLOCATING UPSTREAM  
BANDWIDTH OF A SHARED  
UPSTREAM CHANNEL OF AN  
OPTICAL NETWORK

Examiner: Boakye, Alexander O.

Art Group: 2616

Confirmation No.: 5694

MAIL STOP ISSUE FEE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims." 37 C.F.R. § 1.104(e) In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Therefore, the record should reflect that Applicant does not necessarily agree with the statement in the reasons for allowance.

Applicant's claims should be limited only by the terms utilized therein. Thus, Applicant hereby submit these Comments in an effort to ensure that the claims are properly construed based only upon limitations that are actually present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations that are not found in the respective claims.

Additionally, Applicant does not necessarily agree with the Examiner to the extent that the Examiner has commented on what the prior art shows or does not show in the Statement of Reasons for Allowance.

Should there be any outstanding matters that need to be resolved in the present application the Examiner is respectfully requested to contact the undersigned. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 500393 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
Schwabe, Williamson & Wyatt, P.C.

Dated: 05/18/2009

/Kevin T. LeMond/  
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